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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Pat. No. : 6,995,258
Applicants : John J. ROSSI, et al.
Filed : May 25, 2001
Issued : February 7, 2006

Docket No. : 1954-330
Customer No. : 06449
Confirmation No. : 2281

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

April 3, 2006

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705(d)

Dear Sir:

Pursuant to 37 C.F.R. §1.705(d), Applicants request that the Office revise the Patent Term Adjustment (which was determined to be 491 days) in connection with the above-identified issued patent, U.S. Pat. No. 6,995,258. This Application is being filed within two months of the February 7, 2006 date the patent issued. Thus, this Application is being timely filed.

Applicants point out that a first Application for Patent Term Adjustment was filed under 37 C.F.R. §1.705(b) on July 15, 2004, concerning a separate Patent Office error in which twelve (12) days of applicant delay were incorrectly charged. Applicants continue to await action on that first application for PTA. The present Application concerns a second apparent Patent Office error that Applicants became aware of, and that indeed occurred, after the Notice of Allowance was mailed. Thus, the present Application, pursuant to 37 C.F.R. §1.705(d), is

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submitted in addition to, and not in lieu of, the previously filed PTA Application.

In the present Application, Applicants are requesting that the Office recalculate and revise the Patent Term Adjustment to address an incorrect deduction of 120 days that appears to have resulted from an improper PAIR entry. Specifically, based on a review of the private PAIR listing for the present patent (copy attached), the Office appears to have incorrectly deducted 120 days (i.e. in addition to the above noted incorrectly deducted 12 days) from the 623 USPTO Delay days. Specifically, the PAIR listing includes an entry dated December 15, 2004, which indicates "Supplemental Papers - Oath or Declaration." This entry appears to be improper as Applicants did not file such a Supplemental Oath or any other paper on December 15, 2004 in connection with the present patent.

Therefore, Applicants request (in conjunction with the previously filed PTA Application) that the PTA be recalculated and revised to correctly reflect the full 623 day adjustment to which Applicants are entitled (corresponding to 623 days of USPTO delay and 0 days of Applicant delay). It is Applicants' understanding that any revised Patent Term Adjustment will be noted on a Certificate of Correction issued *sua sponte* from the Office.

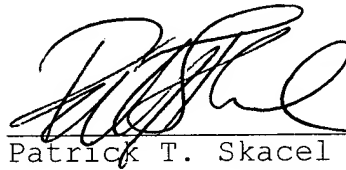
U.S. Patent No. 6,995,258
Application for PTA dated April 3, 2006

Pursuant to 37 C.F.R. §1.18(e), please charge the required fee for this submission to Deposit Account No. 02-2135. If necessary, the Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

April 3, 2006

By



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Enclosure(s): Copy of PAIR listing

1954-330.PTA02.wpd



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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/864,873

			Days
Filing or 371(c) Date:	05-25-2001	USPTO Delay (PTO):	623
Issue Date of Patent:	02-07-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	132
Post-Issue Petitions (days):	+0	Total PTA:	491
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Image File Wrapper
File History
Maintenance Fees - Retrieve fees to pay
Maintenance Fees - View payment windows
Maintenance Statement - View 04 year payment window
Maintenance Statement - View 08 year payment window
Maintenance Statement - View 12 year payment window
Published Documents

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
01-18-2006	PTA 36 Months	118	
02-07-2006	Patent Issue Date Used in PTA Calculation	449	
12-01-2005	Receipt into Pubs	↑	
12-01-2005	Receipt into Pubs	↑	
12-01-2005	Receipt into Pubs	↑	
12-01-2005	Dispatch to FDC	↑	
12-01-2005	Dispatch to FDC	↑	
12-01-2005	Dispatch to FDC	↑	
07-15-2004	Issue Fee Payment Verified	↑	
12-01-2005	Dispatch to FDC	↑	
12-01-2005	Dispatch to FDC	↑	
12-01-2005	Application Is Considered Ready for Issue	↑	
07-15-2004	Issue Fee Payment Verified	↑	
11-14-2005	Receipt into Pubs		
11-11-2005	Receipt into Pubs		
10-27-2005	Receipt into Pubs		

10-17-2005	Receipt into Pubs		
10-17-2005	Workflow - Query Request - Finish		
09-26-2005	Receipt into Pubs		
09-26-2005	Workflow - Query Request - Begin		
09-23-2005	Receipt into Pubs		
09-21-2005	Receipt into Pubs		
08-30-2005	Receipt into Pubs		
08-29-2005	Workflow - Query Request - Finish		
05-19-2005	Receipt into Pubs		
05-19-2005	Workflow - Query Request - Begin		
04-25-2005	Receipt into Pubs		
04-20-2005	Mail Miscellaneous Communication to Applicant		
04-15-2005	Receipt into Pubs		
03-21-2005	Receipt into Pubs		
03-01-2005	Miscellaneous Communication to Applicant - No Action Count		
02-23-2005	Case Docketed to Examiner in GAU		
12-15-2004	Supplemental Papers - Oath or Declaration		120
07-15-2004	Applicant Has Filed a Verified Statement of Small Entity Status in Compliance with 37 CFR 1.27		↑
12-10-2004	Receipt into Pubs		↑
07-26-2004	Receipt into Pubs		↑
07-15-2004	Workflow incoming petition IFW		↑
07-15-2004	Issue Fee Payment Received		↑
06-23-2004	Receipt into Pubs		↑
05-17-2004	Sequence Forwarded to Pubs on Tape		↑
05-05-2004	Receipt into Pubs		↑
05-05-2004	Workflow - File Sent to Contractor		↑
04-15-2004	Mail Notice of Allowance		↑
04-05-2004	Notice of Allowance Data Verification Completed		↑
04-05-2004	Case Docketed to Examiner in GAU		↑
03-25-2004	Date Forwarded to Examiner		↑
03-19-2004	Amendment after Final Rejection		↑
12-19-2003	Mail Final Rejection (PTOL - 326)		↑
12-15-2003	Final Rejection		↑
10-07-2003	Correspondence Address Change		↑
10-06-2003	Date Forwarded to Examiner		↑
09-17-2003	Response after Non-Final Action		↑
08-28-2003	Correspondence Address Change		↑
06-17-2003	Mail Non-Final Rejection		↑
06-16-2003	Non-Final Rejection		↑
04-04-2003	Date Forwarded to Examiner		↑
03-31-2003	Response after Non-Final Action		↑
12-31-2002	Mail Non-Final Rejection		↑
12-30-2002	Non-Final Rejection		↑
10-24-2002	Date Forwarded to Examiner		↑
10-21-2002	Response to Election / Restriction Filed		↑
09-19-2002	Mail Restriction Requirement	56	↑
09-19-2002	X-Post-Legal Complete Rejection	↑	↑

09-19-2002	Requirement for Restriction / Election	↑	↑
03-18-2002	X-Pre-Legal Complete New Case	↑	↑
08-02-2001	Information Disclosure Statement (IDS) Filed	↑	↑
01-05-2002	Case Docketed to Examiner in GAU	↑	↑
10-26-2001	Application Dispatched from OIPE	↑	↑
10-25-2001	Application Is Now Complete	↑	12
07-13-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
07-12-2001	Correspondence Address Change	↑	
07-03-2001	CRF Is Good Technically / Entered into Database	↑	
06-04-2001	IFW Scan & PACR Auto Security Review	↑	
05-25-2001	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
05-25-2001	Initial Exam Team nn	↑	